



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SEP 23 2019

Mr. Andrew S. Robbins
Executive Director
and Chief Executive Officer, HART
City and County of Honolulu
1099 Alakea Street
Honolulu, HI 96813

Dear Mr. Robbins:

On February 12, 2019, the Federal Transit Administration (FTA) notified the Honolulu Authority for Rapid Transportation (HART) of its intention to complete a review of all of HART's case files associated with the Relocation Program for the Honolulu New Starts Rail project (the Project). The review is now complete, and a final report is enclosed.

FTA has determined that HART did not comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). This determination is based on the enclosed report which, after an exhaustive review, substantiates HART's February 22, 2018, URA noncompliance disclosure. Findings indicate that persons displaced by the Project may not have been provided with all appropriate services and payments as required by the URA. Further, and consistent with HART's disclosure, FTA's review did identify areas of overpayments which were not properly documented and/or did not have basis for payment. FTA also assessed the qualifications of HART's real estate and consultant staff and FTA finds that HART does not have adequate staffing to support the Project's URA compliance needs.

FTA will not allow Federal participation in any past, current, or future costs associated with HART's Relocation Program. HART indicated in its initial disclosure that it has fully reimbursed FTA for all Federal funds related to its Relocation Program and intends to use only local funds for its Relocation Program moving forward. HART is directed to provide to FTA a full accounting of how it determined and reimbursed FTA for all Federal funds related to its Relocation Program. HART shall also certify that it will fully comply with all URA requirements on all current and future relocations regardless of funding source.

However, repayment does not absolve HART from compliance with the URA and substantial corrective action will be required to document that all displaced persons were or will be provided with all required URA relocation assistance benefits and services. Corrective action will involve locating and meeting with all persons displaced by the Project. Additionally, HART is required to provide qualified staff and/or consultants that have demonstrated experience with the practical application of URA relocation assistance requirements to accomplish corrective action.

FTA is therefore issuing the following corrective actions:

- HART is required to provide a full accounting of how HART determined and made reimbursement to FTA for all costs related to its relocation assistance program and certify that it will fully comply with all URA requirements for current and future relocations regardless of funding source.
- HART is required to utilize qualified personnel to organize, document, and properly assess all existing relocation assistance case files to accurately itemize and categorize eligibility for all services and payments made to each displaced person on the Project.
- HART is required to utilize qualified personnel to locate and personally meet with each person displaced by the Project to evaluate the level of service provided and benefits paid. FTA will provide a survey form to be completed by each displaced person.
- HART is required to utilize qualified personnel to analyze and reconcile completed surveys with existing file records to identify and resolve discrepancies between file records and the completed surveys and develop a corrective action plan for each displaced person. Approval of corrective action plans is subject to FTA review and approval.
- HART is required to notify each displaced person in writing of its assessment of the services and payments made and provide each with a copy of the approved individual corrective action plan.
- HART shall allow and consider relocation assistance appeals pursuant to URA requirements (*see* Federal public transportation law 49 CFR §24.10) for any item that the displaced person believes HART has failed to consider in its determination of the amount of eligible benefits and services or eligibility for benefits and services.
- HART is required to properly document all contacts and activities related to corrective action implementation to ensure compliance with the recordkeeping requirements of the URA (*see* Federal public transportation law 49 CFR §24.9).

HART should identify any factual misstatements in the report and submit a plan by October 31, 2019, that addresses how HART will undertake the corrective actions. HART should complete all corrective actions by September 30, 2020. HART's implementation of corrective actions will be overseen by Sean Ingvalson, FTA Realty Specialist, who will provide further detail and guidance on the implementation of the required corrective actions. If you have any questions please contact me at 202-366-4020.

Sincerely,



Bruce Robinson
Acting Associate Administrator
for Program Management

Enclosure